

ELITRA.011A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Haselbeck, et al.)
App. No. : 09/815,242)
Filed : March 21, 2001)
For : IDENTIFICATION OF ESSENTIAL)
GENES IN PROKARYOTES)
Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and


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revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Elitra Pharmaceuticals, Inc.

Dated: Oct 29, 2001

By: 
J. Gordon Foulkes

Title: Executive Vice President
Research and Development

Address: 3510 Dunhill Street, Suite A
San Diego, California 92121

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102301

Application No.: 09/815,242
Filing Date: March 21, 2001

DO NOT RECORD

ASSIGNMENT

PATENT
Client Code: ELITRA.011A
Page 1

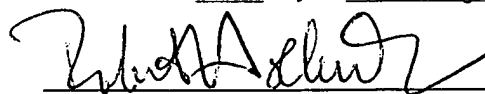
WHEREAS, We, Robert Haselbeck, a United States citizen, residing at 4672 El Cerrito Drive, San Diego, California 92115; Kari L. Ohlsen, a United States citizen, residing at 3560 Vista de la Orilla, San Diego, California 92117; Judith W. Zyskind, a United States citizen, residing at 8415 La Jolla Scenic Drive, La Jolla, California 92037; Daniel Wall, a United States citizen, residing at 3734 Brookshire Street, San Diego, California 92111; John D. Trawick, a United States citizen, residing at 7975 Michelle Drive, La Mesa, California 91942; Grant J. Carr, a United States citizen, residing at 2210 Sonrisa Glen, Escondido, California 92029; Robert T. Yamamoto, a United States citizen, residing at 3725 Notre Dame Avenue, San Diego, California 92122; and H. Howard Xu, a United States citizen, residing at ~~11142 Ivy Hill Drive, San Diego, California 92131~~ *14695 PENASQUITOS DR., SAN DIEGO, CA 92129* *HX.* have invented certain new and useful improvements in an IDENTIFICATION OF ESSENTIAL GENES IN PROKARYOTES for which we have filed an application for Letters Patent in the United States, Application No. 09/815,242, filed March 21, 2001;

AND WHEREAS, Elitra Pharmaceuticals, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 3510 Dunhill Street, Suite A, San Diego, California 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of October, 2001.



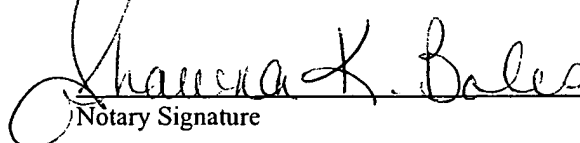
Robert Haselbeck

STATE OF California }
COUNTY OF San Diego } ss.

On 25th day of Oct, 2001, before me, Shauna K Boles, personally appeared Robert Haselbeck, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of October, 2001

Kari Ohlsen

Kari L. Ohlsen

STATE OF California }
COUNTY OF San Diego } ss.

On Oct 25, 01, before me, Shawna K. Boles, personally appeared Kari L. Ohlsen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Shawna K. Boles
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26 day of October, 2001.

Judith W. Zyskind
Judith W. Zyskind

STATE OF California }
COUNTY OF San Diego } ss.

On Oct 26, 01, before me, Shawna K. Boles personally appeared Judith W. Zyskind, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Shawna K. Boles
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26 day of October, 2001.

Daniel Wall
Daniel Wall

STATE OF California }
COUNTY OF San Diego } ss.

On Oct 26, 01, before me, Shawna K. Boles, personally appeared Daniel Wall, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Shawna K. Boles
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of October, 2001.

John D. Trawick
John D. Trawick

STATE OF California }
COUNTY OF San Diego } ss.

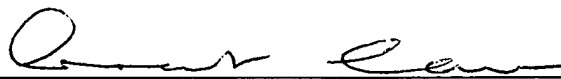
On Oct 25, 01, before me, Shawna K. Boles, personally appeared John D. Trawick, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Shawna K. Boles
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of October, 2001

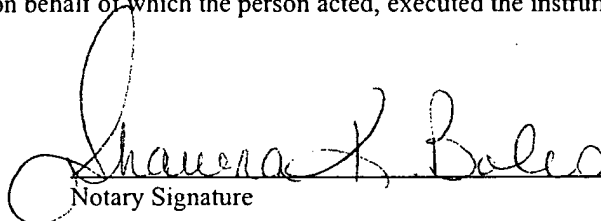

Grant J. Carr

STATE OF California }
COUNTY OF San Diego } ss.


On Oct 25, 01, before me, Shawna K. Boles, personally appeared Grant J. Carr, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of OCTOBER, 2001.

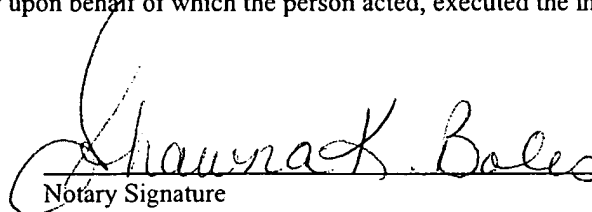

Robert T. Yamamoto

STATE OF California }
COUNTY OF San Diego } ss.

On Oct 25, 01, before me, Shawna K. Boles, personally appeared Robert T. Yamamoto, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25th day of October, 2001.

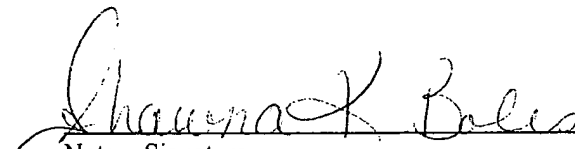

H. Howard Xu

STATE OF California }
COUNTY OF San Diego } ss.

On Oct 25, 01, before me, Shawna K. Bales personally appeared H. Howard Xu, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature